

## ENROLLED ORIGINAL

## A RESOLUTION

18-205

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2009

To confirm the reappointment of Ms. Catherine Buell to the Historic Preservation Review Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Historic Preservation Review Board Catherine Buell Confirmation Resolution of 2009".

Sec. 2. The Council of the District of Columbia confirms the reappointment of:

Ms. Catherine Buell  
1226 Pleasant Street, S.E.  
Washington, D.C. 20020  
(Ward 8)

as a public member of the Historic Preservation Review Board, established by Mayor's Order 83-119, issued May 6, 1983 (30 DCR 3031), in accordance with section 4 of the Historic Landmark and Historic District Protection Act of 1978, effective March 3, 1979 (D.C. Law 2-144; D.C. Official Code § 6-1103), for a term to end July 21, 2012.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

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## A RESOLUTION

18-206

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2009

To confirm the appointment of Ms. Pamela Scott to the Historic Preservation Review Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Historic Preservation Review Board Pamela Scott Confirmation Resolution of 2009".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Ms. Pamela Scott  
6615 5<sup>th</sup> Street, N.W.  
Washington, D.C. 20012  
(Ward 4)

as an architectural historian member of the Historic Preservation Review Board, established by Mayor's Order 83-119, issued May 6, 1983 (30 DCR 3031), in accordance with section 4 of the Historic Landmark and Historic District Protection Act of 1978, effective March 3, 1979 (D.C. Law 2-144; D.C. Official Code § 6-1103), replacing Andrew Aurbach, whose term will end July 21, 2009, for a term to end July 21, 2012.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

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## A RESOLUTION

18-207

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2009

To appoint Mr. William Whitehead Treanor to the Children and Youth Investment Trust Corporation Board of Directors.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Children and Youth Investment Trust Corporation Board of Directors William Whitehead Treanor Appointment Resolution of 2009".

Sec. 2. The Council of the District of Columbia appoints:

Mr. William Whitehead Treanor  
3745 Oliver Street, N.W.  
Washington D.C. 20015  
(Ward 3)

to the Board of Directors of the Children and Youth Investment Trust Corporation, established pursuant to section 2404 of the Children and Youth Initiative Establishment Act of 1999, effective October 20, 1999 (D.C. Law 13-38; 46 DCR 6408), for a 2-year term to end May 30, 2011.

Sec. 3. The Secretary to the Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the appointee, the chairperson of the Board of Directors of the Children and Youth Investment Trust Corporation, and the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

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## A RESOLUTION

18-208

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2009

To confirm the appointment of Mr. Bradley Thomas to the Child Fatality Review Committee.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Child Fatality Review Committee Bradley Thomas Confirmation Resolution of 2009".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. Bradley Thomas  
107 P Street N.W.  
Washington, D.C. 20001  
(Ward 5)

as a member of the Child Fatality Review Committee, established by section 4603 of the Child Fatality Review Committee Establishment Act of 2001, effective Oct. 3, 2001 (D.C. Law 14-28; D.C. Official Code § 4-1371.03), for a term to end July 13, 2010.

Sec. 3. The Secretary to the Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

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## A RESOLUTION

18-209

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2009

To amend the Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 18, to change the date for the beginning of the Council's recess from July 15 to August 1; to permit contracts to be transmitted from September 8 through September 15, 2009; to permit reprogramming requests and budget modification grant requests to be transmitted and the time period to run from September 8 through September 15, 2009; to authorize the Chairman of the Council to hold a hearing or roundtable during the recess; and to authorize the Chairman, Chairperson of the Committee on Public Safety and the Judiciary, the Chairperson of the Committee on Government Operations and the Environment, and the Chairperson of the Committee on Health to take any actions necessary to conduct an investigation during the Council's recess.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Council Period 18 Rules Amendment and Investigation Authorization Recess Resolution of 2009".

Sec. 2. The Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 18, effective January 2, 2009 (Res. 18-1; 55 DCR 748), is amended as follows:

(a) Section 101(31) is amended by striking the phrase "the 17-day period beginning on July 15<sup>th</sup> of each year,".

(b) Section 308 is amended as follows:

(1) Subsection (a) is amended by striking the phrase "accompanying temporary bill," and inserting the phrase "accompanying temporary bill, an override," in its place.

(2) Subsection (b) is amended as follows:

(A) Paragraph (2) is amended by striking the phrase "during the 30-day period prior to the end of the summer recess of the Council," and inserting the phrase "from September 8 through September 15, 2009" in its place.

(B) New paragraphs (4) and (5) are added to read as follows:

"(4) A reprogramming request that is required to be submitted to the Council may

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be transmitted from September 8 through September 15, 2009.

"(5) A request for budget modifications for fiscal year 2009 grant funds may be transmitted from September 8 through September 15, 2009."

(c) Section 711 is amended as follows:

(1) The existing text is designated as subsection (a).

(2) A new subsection (b) is added to read as follows:

"(b) Notwithstanding any other law, reprogramming requests may be submitted and the time period for reprogramming requests may be counted from September 8 through September 15, 2009."

Sec. 3. The Chairman of the Council is authorized to hold a hearing or roundtable on a contract, reprogramming, budget modification, or emergency measure, and to hold a public hearing or roundtable, notice and take depositions, or take any other actions necessary to conduct an investigation under Article VI of the Council Rules during the period August 1 through September 15, 2009.

Sec. 4. The Chairperson of the Committee on Public Safety and the Judiciary, the Chairperson of the Committee on Government Operations and the Environment, and the Chairperson of the Committee on Health, in consultation with the Chairman of the Council, are authorized to hold a public hearing or roundtable, notice and take depositions, or take any other actions necessary to conduct an investigation under Article VI of the Council Rules during the period August 1 through September 15, 2009.

Sec. 5. This resolution expires on September 16, 2009.

Sec. 6. This resolution shall take effect immediately.

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18-210

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2009

To confirm the appointment of Mr. William Purcell as a member of the Contract Appeals Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract Appeals Board William Purcell Confirmation Resolution of 2009".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. William Purcell  
1822 11<sup>th</sup> Street, N.W.  
Washington, D.C. 20001  
(Ward 1)

as a member of the Contract Appeals Board, established by section 901 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-309.01), filling a vacant seat, for a term to end July 28, 2012.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

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## A RESOLUTION

18-211

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2009

To confirm the Alcoholic Beverage Control Board's appointment of Mr. Frederick P. Moosally as the Director of the Alcoholic Beverage Regulation Administration.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Director of the Alcoholic Beverage Regulation Administration Frederick P. Moosally Confirmation Resolution of 2009".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. Frederick P. Moosally  
4630 48<sup>th</sup> Street, N.W.  
Washington, D.C. 20016  
(Ward 3)

as the Director of the Alcoholic Beverage Regulation Administration in accordance with D.C. Official Code § 25-207(a), for a 4-year term.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.



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## A RESOLUTION

18-212

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2009

To declare the existence of an emergency, due to Congressional review, with respect to the need to provide authority for the Mayor to provide financial assistance to the O Street Market project.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "City Market at O Street Project Financing Clarification Congressional Review Emergency Declaration Resolution of 2009".

Sec. 2. (a) The Council passed Bill 18-260, the City Market at O Street Project Financing Clarification Emergency Amendment Act of 2009, D.C. Act 18-75, which is due to expire August 13, 2009.

(b) Additionally, the Council also passed the permanent version of the legislation, D.C. Law 17-278, the City Market at O Street Tax Increment Financing Act of 2008. The emergency legislation passed clarifies the Mayor's authority to make a grant to the City Market at O Street project, located in Shaw.

(c) To avoid a gap in legal authority, the underlying proposed Congressional review emergency is warranted.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary the City Market at O Street Project Financing Clarification Congressional Review Emergency Amendment Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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## A RESOLUTION

18-213

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2009

To declare the existence of an emergency, due to Congressional review, with respect to the need to require the District of Columbia Lottery and Charitable Games Control Board, or any payor, for certain lottery winnings, to deduct and withhold an amount equal to the highest tax rate as specified in section 47-1806.03, 47-1807.02, or 47-1808.03 of the District of Columbia Official Code.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Withholding of Tax on Lottery Winnings Congressional Review Emergency Declaration Resolution of 2009".

Sec. 2. (a) The Council passed Bill 18-258, the Withholding of Tax on Lottery Winnings Emergency Amendment Act of 2009, D.C. Act 18-71, which is due to expire August 13, 2009.

(b) Additionally, the temporary version of this legislation is pending a projected law date.

(c) To avoid a gap in legal authority, the underlying proposed Congressional review emergency is warranted.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Withholding of Tax on Lottery Winnings Congressional Review Emergency Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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## A RESOLUTION

18-214

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2009

To declare the existence of an emergency, due to Congressional review, with respect to the need to require the Mayor to submit to the Council a comprehensive analysis of proposed child day care services to be offered by the city via third party vendors prior to issuing a request for offers by the District, and that all current day care services remain open until September 30, 2009.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the ““Day Care Facility Congressional Review Emergency Declaration Resolution of 2009””.

Sec. 2. (a) Due to the Office of Property Management issuing a request for offers on April 24, 2009 for third party vendors to use Department of Parks and Recreation (“Department”) facilities for child development services, there exists an immediate need to enact legislation requiring the Mayor to submit a plan detailing an impact analysis of proposed child day care services to be offered by the city via third party vendors.

(b) Due to the closure of Department services for special needs children at Sharpe and Mamie D. Lee schools, it is imperative that a detailed report on the status and future of services for special needs and developmental care be received prior to any future action by the Office of Property Management with regards to child care facilities within the Department.

(c) To ensure some sense of stability in our city’s day care services, there exists an immediate need to mandate that all day care services that are proposed to be removed from the Department of Parks and Recreation in fiscal year 2010 shall remain open until September 30, 2009.

(d) In May 2009, the Council enacted the Day Care Facility Emergency Act of 2009, effective May 27, 2009(D.C. Act 18-97; 56 DCR 4442) (“emergency act”). The emergency act expires on August 25, 2009. The temporary legislation, the Day Care Facility Temporary Act of 2009, returned unsigned on June 19, 2009 (D.C. Act 18-118) (“temporary act”), must still complete its 30-day Congressional review period required by section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and is not projected to become law until September 14, 2009.

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(e) It is important that the provisions of the emergency act continue in effect, without interruption, until the temporary act becomes law.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Day Care Facility Congressional Review Emergency Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-215

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2009

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend An Act To establish and provide for the maintenance of a free public library and reading room in the District of Columbia to grant the Board of Library Trustees the authority to procure goods and services independent of the Office of Contracting and Procurement and the requirements of the District of Columbia Procurement Practices Act of 1985 ("PPA"), except for provisions of the PPA pertaining to contract protests, appeals, and claims, and to make the independent procurement authority of the Board of Library Trustees contingent upon it issuing procurement regulations that have been approved by the Council; and to amend the PPA to exempt the Board of Library Trustees from the provisions of the act except for those provisions pertaining to contract protests, appeals, and claims.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "DCPL Procurement Congressional Review Emergency Declaration Resolution of 2009".

Sec. 2. (a) An Act To establish and provide for the maintenance of a free public library and reading room in the District of Columbia to grant the Board of Library Trustees the authority to procure goods and services independent of the Office of Contracting and Procurement and the requirements of the District of Columbia Procurement Practices Act of 1985 was amended in 2006 to allow for the District of Columbia Public Library ("DCPL") to have independent contracting and procurement authority.

(b) To date, DCPL has had great success in the implementation of this authority, resulting in streamlined service delivery and overall cost savings.

(c) The statute granting contracting and procurement authority had a sunset resulting in a lapse of authority. Therefore, there is an urgent need to extend the authority for budgetary and service delivery concerns.

(d) In May 2009, the Council enacted the DCPL Procurement Emergency Amendment Act of 2009, effective May 20, 2009 (D.C. Act 18-093; 56 DCR 4310) ("emergency act"). The emergency act expires on August 18, 2009. The temporary legislation, DCPL Procurement

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Temporary Amendment Act of 2009, signed by the Mayor on June 19, 2009 (D.C. Act 18-117) ("temporary act"), must still complete its 30-day Congressional review period required by section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and is not projected to become law until September 14, 2009.

(e) It is important that the provisions of the emergency act continue in effect, without interruption, until the temporary act becomes law.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the DCPL Procurement Congressional Review Emergency Amendment Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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## A RESOLUTION

18-216

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2009

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend Chapter 46 of Title 47 of the District of Columbia Official Code to defer real property taxes owed by a local and small neighborhood development to protect the viability of small businesses' developments planned in the Rhode Island Avenue Corridor.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Neighborhood Development Tax Deferral Congressional Review Emergency Declaration Resolution of 2009".

Sec. 2. (a) There exists an immediate need to amend the District of Columbia Official Code, to defer certain real property taxes, without penalty, until October, 2009, owed by a local, small, neighborhood-based developer, Booker Waddelle, Inc., so they may secure financing for the project.

(b) The Booker Waddelle, Inc. project is planning to provide much-needed affordable and workforce housing to Rhode Island Avenue, N.E., and assist in revitalizing retail commerce along the corridor.

(c) Booker Waddelle, Inc. is working to secure funding that will alleviate any property tax burden to the District by October, 2009.

(d) In June 2009, the Council enacted the Neighborhood Development Tax Deferral Emergency Act of 2009, effective June 20, 2009 (D.C. Act 18-114) ("emergency act"). The emergency act expires on September 18, 2009. The temporary legislation, Neighborhood Development Tax Deferral Temporary Act of 2009, returned unsigned on June 19, 2009 (D.C. Act 18-136) ("temporary act"), must still complete its 30-day Congressional review period required by section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and is not projected to become law until later.

(e) It is important that the provisions of the emergency act continue in effect, without interruption, until the temporary act becomes law.

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Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Neighborhood Development Tax Deferral Congressional Review Emergency Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.



## ENROLLED ORIGINAL

## A RESOLUTION

18-217

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2009

To authorize an investigation into whether personal services contracts awarded by the Council to Donna Watts-Brighthaupt were executed and administered in compliance with District law and Council rules, policies, and procedures; to conduct a thorough review of District laws and Council rules, policies, and procedures governing the issuance of contracts by the Council to independent contractors for the provision of services to individual members of the Council and grants awarded to organizations by the Council during the budget process; and to make recommendations for any necessary changes to District laws or Council rules, policies, and procedures that would provide effective screening of these contracts and grants for possible conflicts of interest or other circumstances that would prohibit their award.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Council Contracts and Grants Investigation Authorization Resolution of 2009".

Sec. 2. (a) Questions have been raised regarding whether personal service contracts awarded by the Council to Donna Watts-Brighthaupt, an independent contractor, for services provided to Councilmember Marion Barry during the period from October 22, 2008, through the effective date of this resolution were executed in compliance with District law and Council rules, policies, and procedures.

(b) Chairman Vincent C. Gray has arranged for Robert S. Bennett, a partner at Skadden, Arps, Slate, Meagher, & Flom, LLP, to conduct an investigation into the awarding of these contracts and a thorough review of District laws and Council rules, policies, and procedures governing the issuance by the Council of personal service contracts and grants awarded to organizations by the Council during the budget process. Mr. Bennett has agreed to provide his services on a *pro bono* basis. The Chairman may retain and delegate investigative duties authorized under this resolution to Mr. Bennett. The Council's authorization of the investigation will permit Mr. Bennett, through the Council, to utilize subpoenas to obtain testimony and documents.

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(c) Section 413(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.13(a)) ("Home Rule Act"), provides that the Council, or any committee or person authorized by it, shall have power to investigate any matter relating to the affairs of the District, and for that purpose may require the attendance and testimony of witnesses and the production of books, papers, and other evidence.

(d) The primary purposes of the investigation will be to determine whether the personal service contracts awarded to Donna Watts-Brighthaupt for services provided to Councilmember Marion Barry were executed and administered in compliance with District law and Council rules, policies, and procedures, and to evaluate the adequacy and effectiveness of Council rules, policies, and procedures governing the issuance and administration of personal service contracts and grants awarded to organizations by the Council during the budget process.

(e) As part of the investigation, Mr. Bennett shall:

(1) Determine whether personal services contracts awarded by the Council to Donna Watts-Brighthaupt for services provided to Councilmember Marion Barry during periods of time between October 22, 2008, and the effective date of this authorizing resolution were executed and administered in compliance with District law and Council rules, policies, and procedures;

(2) Conduct a thorough review of District laws and Council rules, policies, and procedures governing the issuance of contracts by the Council to independent contractors for the provision of services to individual members of the Council ("personal service contracts") and grants awarded to organizations by the Council during the budget process (commonly known as "earmarks") for the purpose of evaluating their adequacy and effectiveness, focusing especially on whether Council rules, policies, and procedures provide for effective screening of personal service contracts and grants for possible conflicts of interest or other circumstances that would prohibit their award and effective monitoring of the services provided under the terms of the contracts or grants;

(3) Make recommendations for any necessary additions to or modifications of Council rules, policies, and procedures governing the issuance of personal service contracts or grants, especially additions or modifications that would provide for the identification of conflicts of interest or other circumstances that, once identified, would prohibit the Council from executing the contracts or grants;

(4) Make similar recommendations for any necessary changes to District laws;  
and

(5) Examine any other areas or matters that may be necessary to assist the Council as determined by the Chairman.

(f) As part of the investigation, Mr. Bennett may examine any personal service contract or grant awarded by the Council, including any documents relating to the award.

(g) The Council of the District of Columbia finds that the circumstances surrounding the awarding of the personal services contracts to Donna Watts-Brighthaupt warrant the conduct of an investigation by the Council, including the use of subpoenas issued pursuant to the authority

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provided in section 413 of the Home Rule Act, and section 601 of the Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 18.

**Sec. 3. Subpoena authorization.**

(a) The Council authorizes the use of subpoenas in the investigation to compel the attendance of witnesses, to obtain testimony, or to produce documents or other information or tangible items. Notwithstanding Council Rule 612, the Council shall not be required to submit a report to the Secretary to the Council before issuing a subpoena as part of the investigation.

(b) Mr. Bennett, or a delegate of Mr. Bennett, may take testimony of witnesses by oral, written, or videotaped depositions.

**Sec. 4. Duties; reporting requirements.**

(a) Mr. Bennett shall present a report to the Council within 45 days of the conclusion of the investigation.

(b) Notwithstanding Council Rule 308, Mr. Bennett may conduct depositions and file his report during a period of Council recess.

**Sec. 5. Filing of records.**

Mr. Bennett shall submit all official records of the investigation to the Secretary to the Council within 30 days of the filing of the report to the Council.

**Sec. 6. Fiscal impact statement.**

The Council adopts the fiscal impact statement of the Budget Director.

**Sec. 7. Effective date.**

This resolution shall take effect immediately.

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## A RESOLUTION

18-218

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2009

To declare the existence of an emergency with respect to the need to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to increase the creditable service for reduction-in-force actions for District residents from 3 years to 6 years.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District Residency RIF Protection Emergency Declaration Resolution of 2009".

Sec. 2. (a) Due to projected budget pressures, partially based on the Chief Financial Officer's revised budget revenue estimates, the Mayor Fenty administration has proposed and is implementing reduction-in-force ("RIF") procedures in the Department of Parks and Recreation and other District agencies.

(b) By federal mandate, income generated within the District by non-residents cannot be taxed by the District. Therefore, during a RIF, it is fiscally prudent to give increased preference to District residents maintaining employment to stabilize our local income tax base.

(c) With the Department of Employment Services reporting the unemployment rate in the District being over 10%, it is necessary to take action to extend the RIF retention preference of District residents to ease the potential burden on our social service agencies.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the District Residency RIF Protection Emergency Amendment Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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## A RESOLUTION

18-219

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2009

To declare the existence of an emergency with respect to the need to amend the District of Columbia Health Occupations Revision Act of 1985 to define the Boards of Allied Health and Behavioral Health, to define the terms revocation and suspension, to establish the position of Executive Director for the Boards of Allied Health, to establish the position of Executive Director for the Boards of Behavioral Health, to redefine the term quorum, to define the terms reciprocity, endorsement, conviction, moral turpitude, and health care record, to amend administrative and credentialing requirements and procedures to ensure equal application to persons practicing health occupations requiring registrations or certifications, to sanction a licensee, registrant, or person certified for failing to provide health care records, for engaging in improper sexual conduct, abandoning a patient, failing to report suspected child abuse, withholding services because a person is HIV positive, refusing to provide services where refusal places an unreasonable burden on a patient, client, or customer, for attempting to cause a person to withhold testimony or prevent information from reaching a board or the Office of Administrative Hearings, for misrepresenting credentials, failing to keep adequate records, trying to influence or induce patronage, practicing under a name other than his or her own, making false or misleading statements regarding skills, being subject to repeated health or client liability claims, failing to cooperate in or obstructing an investigation ordered by a board, continuing to practice a health profession when the person licensed, registered, or certified knows he or she has an infectious or communicable disease and there is a high probability that the disease may be transmitted to a patient or client, for committing Medicaid, Medicare, or insurance fraud, for falsifying an application to establish or operate a school of nursing or nursing program, to prohibit a person from using or implying the use of any title as it relates to the practice of chiropractic, occupational therapy, psychology, addiction counseling, polysomnography, an occupational therapy assistant, or nursing assistive personnel unless authorized, to authorize the Office of the Attorney General for the District of Columbia to bring an action in the Superior Court of the District of Columbia to enjoin the unlawful practice of a health occupation that is grounds for a criminal penalty or disciplinary action under this act, to require health professionals to provide copies of records, and to require records to be maintained for a specific period of time.

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RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Health Occupations Revision General Amendment Emergency Declaration Resolution of 2009".

Sec. 2. (a) There are over 50,000 health professionals practicing in the District of Columbia, including physicians, dentists, nurses, speech pathologists, and podiatrists. The practice of these health professionals is governed by the Health Occupations Revisions Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01 *et seq.*) ("HORA").

(b) Last year, the Committee on Health and the Department of Health began a collaborative project to update HORA to ensure that it adequately reflects the advances in health care practice and delivery that have occurred since its original passage almost 25 years ago.

(c) This project culminated in 10 separate measures, introduced by Councilmember Catania in January 2009, to provide critical updates to both practice-specific and administrative sections of HORA.

(d) The Committee on Health held a series of public hearings to review each of the measures and approved all 10 bills at an additional committee meeting held in February 2009. The Council of the District of Columbia gave final approval to all 10 measures in April 2009.

(e) Though all 10 bills were approved by the Council on the same day, not all were transmitted to Congress at the same time for the required review period. Nine of the 10 measures became law July 6, 2009, while the Health Occupations Revisions General Amendment Act of 2009, signed by the Mayor on May 12, 2009 (D.C. Act 18-74; 56 DCR 4043) ("permanent act"), is not projected to become law until later in July.

(f) Not having all 10 measures effective at the same time could result in unintended ambiguities regarding the implementation of new protocols and requirements regarding the practice of certain health professionals in the District.

(g) Approving an emergency version of the permanent act will ensure that the 10 measures can be implemented concurrently and that any potential problems associated with the later effective date of the permanent act can be avoided.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Health Occupations Revision General Amendment Emergency Amendment Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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## A RESOLUTION

18-220

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2009

To declare the existence of an emergency with respect to the need to close a portion of the public alley system in Square 2892, bounded by Lamont Street, N.W., Georgia Avenue, N.W., Kenyon Street, N.W., and Sherman Avenue, N.W., in Ward 1.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Closing of a Portion of the Public Alley in Square 2892, S.O. 08-6440, Emergency Declaration Resolution of 2009".

Sec. 2. (a) The Council passed the Closing of a Portion of the Public Alley in Square 2892, S.O. 08-6440, Act of 2009, passed on 2<sup>nd</sup> reading on July 14, 2009 (Enrolled version of Bill 18-251) ("Bill 18-251"), which had a public hearing by the Committee of the Whole on June 5, 2009.

(b) Bill 18-251 would close a portion of the public alley system in Square 2892, bounded by Lamont Street, N.W., Georgia Avenue, N.W., Kenyon Street, N.W., and Sherman Avenue, N.W., in Ward 1, and replace the closed portion with a wider and more functional public alley easement within the square. The alley closing will facilitate the development of a new multi-family residential building with ground floor retail. The project includes a total of 69 residential units, at least half of which will be affordable to households earning between 60-80% of Area Median Income.

(c) The project facilitated by this alley closing will result upon completion in greatly increased tax revenues for the District, including an estimated \$131,300 in annual property taxes, \$318,500 in deed transfer and recordation taxes, \$223,875 in annual retail sales taxes, \$62,100 in annual income taxes from the residents of the new building, \$10,350 in annual sales paid by residents of the new building, \$32,900 from the franchise tax on retailers, and \$23,200 from the personal property tax on retailers.

(d) There exists an immediate need to approve this alley closing on an emergency basis to allow the project facilitated by the alley closing to proceed expeditiously and ensure the feasibility of the project. Approval of emergency legislation will allow for the timely issuance of a building permit authorizing construction.

**ENROLLED ORIGINAL**

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Closing of a Portion of the Public Alley in Square 2892, S.O. 08-6440, Emergency Act of 2009 be adopted after single reading.

Sec. 4. This resolution shall take effect immediately.